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Attny. Docket No. DIV-1220-2 (112766-177)

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AUG 22 2002

COMBINED DECLARATION AND POWER OF ATTORNEY

TECH CENTER 1600/2900

As the below-named inventor, I hereby declare that:

My residences, post office addresses and citizenship is as stated below next to my name.

I believe that I am the original, and only inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Method of DNA Shuffling With Polynucleotides Produced by Blocking or Interrupting a Synthesis or Amplification Process

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application Serial No. 09/214,645, on September 27, 1999, which is a U.S. national stage application of PCT International Application No. PCT/US97/12239, filed 9 July 1997 and was amended on October 24, 200 and November 21, 2001.

☐ was filed as PCT Patent Application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, C.F.R. §1.56(a) and §1.56(b).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(c) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. §119(a)-(d) or 365(b), or 365(a):**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)
PCT	PCT/US97/12239	9 July 1997	YES

I hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

APPLICATION NUMBER	DATE OF FILING	STATUS: PENDING OR ABANDONED

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120 or 365(c):**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
U.S. Serial No. 08/677,112	9 July 1996	Patented

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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Wherefore, I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Jay M. Short

Inventor's signature

Citizenship:

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